

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

David DARRAS et al.

Appln. No. 09/647,005

Filed: September 26, 2000



Group Art Unit: 3727

Examiner: Not yet assigned

For: A CONTAINER WITH A COATING OF BARRIER EFFECT MATERIAL, AND
METHOD AND APPARATUS FOR MANUFACTURING THE SAME

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached Form PTO-1449 and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date for an application other than a continued prosecution application (CPA) under §1.53(d); (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

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U.S. Appln. No. 09/647,005

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for the five foreign language documents cited, Applicant encloses herewith a copy of the corresponding International Search Report citing such documents, and indicating the degree of relevance found by the foreign office. Also, for DE 44 37 050 A1, an English counterpart has been provided (U.S. Patent 5,690,745); for EP 0 778 089 A1, an English counterpart has also been provided (U.S. Patent 5,677,010). For the remaining three non-English documents, no English counterparts could be located, although English language abstracts have been provided as shown on accompanying Form PTO-1449.

Moreover, article entitled "Plasma Polymerization in Automotive Industries..." has been provided, although it is not listed in the International Search Report. While no date is provided in the article itself, Applicants have advised the article was presented at the 26th ISATA (International Symposium on Automated Technology and Automation), dedicated conference on New and Alternative Materials for the Automotive Industries, Aachen, September 13-17, 1993; that the conference Proceedings from which the enclosed article (pp 469-476, ISBN 0947719563) was obtained, were received by the British Library Supply Center on November 18, 1993, catalogued by the British Library Conference Department on November 23, 1993, and were available to the public thereafter.

Applicants have advised that this document is not relevant against the invention as presently claimed, because it does not teach additional information relating to the coating material, with respect to other documents cited in the International Search Report. On the one hand, pressure levels inside the bottle and inside the chamber are not mentioned; on the other

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U.S. Appln. No. 09/647,005

hand, this document recited that the pressure level inside the bottle is higher than inside the chamber (see page 470), but the invention provides an exactly inverted feature.

Applicants have further advised that the documents cited in the International Search Report do not defeat the patentability of the present claims, and are relevant as background information only, despite certain category X or Y designations in the Search Report.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,



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